

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

David Eugene Mullinax,)
Plaintiff,)
vs.)
OFC Mathew Scott Waters,)
OFC Jonathan Bastoni,)
OFC Christopher Pletcher, and)
OFC C. Maltby,)
Defendants.)

)

) Civil Action No. 6:14-cv-1192-TMC

ORDER

Plaintiff, proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. Plaintiff moved for a directed verdict and filed a motion for summary judgment. (ECF Nos. 31, 38). Defendants also filed a motion for summary judgment. (ECF No. 39). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., these matters were referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the court grant Defendants' motion for summary judgment and deny Plaintiff's motions for a directed verdict and summary judgment. (ECF No. 50 at 16). Plaintiff was advised of his right to file objections to the Report. (ECF No. 50 at 17). Plaintiff, however, filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the

absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge’s Report (ECF No. 50) and incorporates it herein. It is therefore **ORDERED** that Defendants’ motion for summary judgment (ECF No. 39) is **GRANTED**, and Plaintiff’s motion for a directed verdict (ECF No. 31) and motion for summary judgment (ECF No. 38) are hereby **DENIED**.

IT IS SO ORDERED.

s/Timothy M. Cain

Timothy M. Cain
United States District Judge

June 29, 2015
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.